



# UNITED STATES PATENT AND TRADEMARK OFFICE

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10/714,095

11/13/2003

Chatree Sitalasai

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EXAMINER

PIZIALI, JEFFREY J

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

03/13/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

10/714,095

Examiner

Jeff Piziali

Applicant(s)

SITALASAI ET AL.

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 9 January 2008 and 28 September 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☒ C. Other See Continuation Sheet.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet, 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
\_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

\_\_\_\_\_  
Legal Instruments Examiner (LIE), if applicable

\_\_\_\_\_  
Telephone No.



Continuation of 1(c) Other:

The Applicant is thanked for the Amendments filed 28 September 2006 and 9 January 2008. However, a non-compliant matter has been discovered in the aforementioned responses, requiring attention before examination may continue.

C.F.R. § 1.121(b)(1)(ii) requires, "The full text of any replacement paragraph with markings to show all the changes relative to the previous version of the paragraph. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strikethrough cannot be easily perceived."

The Amendment filed 28 September 2006 improperly uses strike-through to show deletion of five or fewer consecutive characters (e.g., see at least Page 13, Paragraph 85, 2nd to Last Line from the Amendment filed 28 September 2006), rendering the respective deletion difficult to perceive.

The Applicant is respectfully encouraged to use double brackets to show deletion of five or fewer consecutive characters, as required by C.F.R. § 1.121.

Please also note that MPEP 714(II)(A) states, "[The Amendments to the Specification] section should include all amendments to the specification including amendments to the abstract of the disclosure."

Accordingly, amendments to the abstract are considered by the Office to be a part of the "Amendment to the Specification" section.

Therefore, the Applicant's "Amendments to the Specification" (filed 9 January 2008) completely replaces the earlier "Amendments to the Specification" (filed 28 September 2006 -- including the amendments to the abstract on page 13 of this paper). Because of this, technically there is no Abstract Amendment to be considered by the Office, and the Applicant's overall amendment is deemed nonresponsive to the abstract objection (see Page 3 of the Office Action mailed 1 May 2006).

To correct this situation, the Applicant is respectfully encouraged to respond to this 'Notice of Non-Compliant Amendment' with a corrected version of the abstract (filed 28 September 2006) combined with the other specification paragraphs amendments (filed 9 January 2008). This single submission will serve as the official "Amendments to the Specification" section of the Applicant's Response.

By such reasoning, this Notice of Non-Compliance is deemed necessary and proper at this time.

Please note: The amendments have not been checked to the extent necessary to determine the presence of all possible non-compliance errors. If additional issues of non-compliance are discovered at the time of a subsequent amendment, yet another Notice of Non-Compliant Amendment will be necessitated. Applicant's cooperation is requested in correcting any other errors of which Applicant may become aware.

/Jeff Piziali/  
Primary Examiner, Art Unit 2629  
4 March 2008